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ABSTRACT

These bulletins present arguments for and against licensing of public relations "experts." Edward L. Bernays, who presents the argument for state licensing and registration, asserts that voluntary accreditation does not effectively protect the public or the profession and suggests that well-defined standards for rules of conduct are necessary. Argument against licensing public relations practitioners is exerpted from a paper by J. Handly Wright. The following points are stressed: a definition of public relations upon which law might be based is elusive; opinion is divided as to whether public relations is actually a profession; state legislatures' implementation of the law may be unpredictable; and costs of licensing may be prohibitive. Finally, Philip Lesly observes that government licensing of public relations activities may result in additional government control. (KS)

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THE ARGUMENT FOR STATE REGISTRATION AND LICENSING FOR PUBLIC RELATIONS

By Edward L. Bernays

Public relations, after fify years of accomplishment in the United States, today faces serious probiems of survival. The two words "public relations" have become almost pejorative. This threat to an honorable profession is due in great part to the fact that anyone can hang out a shingle and call him or herself a public relations expert, without having the skills, aptitudes, education, experience and integrity to practice. Many have been lured to the vocation by its monetary rewards. The public and the professional practitioners become the victims. The Nixon henchmen in Watergate, who called themselves without justification public relations men, have accelerated the problem.

To assure high standards of practice and ethics among its members, the principal voluntary association of public relations practitioners in the United States, Public Relations Society of America, gives accreditation to members who qualify in examinations. They are authorized to use APR after their names. But voluntary accreditation does not go far enough in protecting public or profession. It carries no sanctions, economic or otherwise, for transgression of the code. Such accreditation does not prevent the accredited member who transgresses from carrying on his pursuit. Nor does voluntary accreditation protect the honorable practitioner from a non-association member who calls himself a public relations expert, though incompetent and unethical.

In addition, the public today has no clear-cut definition of what a public relations expert does or is. The public is befuddled as to the true function. This obviously is not the case, for instance, with medical doctors and lawyers, whose activities are defined by the state.

The problem of the public relations profession in this respect is not unique. Society has solved this problem with other vocations, in a manner that serves the interest of the public and the vocation. The solution lies in state registration and licensing. Under the law, the state appoints a board of examiners from the profession. The board defines the professional standards required and sets up examinations to qualify those entitled to call themselves medical doctors, lawyers, certified public accountants, architects, teachers, engineers, etc. The board supervises and directs the process of accreditation. If the practitioner deviates from the prescribed standards of conduct, he or she is subject to economic sanctions, such as disbarment through judicial process.

Such a procedure sets well-defined standards for rules of conduct. Today, with demands for more and more experts and specialization to make society efficient, such safeguards to public and profession apply in many areas. Society needs this protection for itself and the profession.

Viability of the public relations profession demands its members take action now for state registration and licensing. Only such a procedure can protect honorable practitioners and public alike from those who today adopt the name of the profession without qualifications -- and bring discredit to it.

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There has recently been a movement for public relations people to use some other name to avoid present day negativism towards the term. But substituting public affairs or community affairs for public relations is subject to the same kind of deflation... unless the activity described by the new name receives the benefit of registration and licensing. A deviant public affairs officer who receives public visibility for his misdeeds will cast discredit on others using that title.

It may be enlightening to look backwards and to see how this process of registration and licensing developed. In pre-Reformation England no professions as we know them today existed. Society was simple and revolved around the Church. With the Reformation in Henry VIII's and Queen Elizabeth's regime the situation changed. As the power of the Church declined, a middle class arose with merchants, wealthier farmers, traders providing a base for becoming clients and/or patients of burgeoning professions, among them lawyers and medical doctors. They organized guilds or companies of practitioners. They set up standards of education for their members and educational institutions. The Inns of Court, the first technical university, functioned as early as the Fifteenth Century; the College of Physicians was started in 1518, the Company of Barber Surgeons in 1540.

Until the industrial revolution in the early nineteenth century, these guilds and companies served a useful purpose in serving the interest of the profession and the public. Society was growing more complex and new specialities in engineering, science and mechanics developed, with new guilds forming.

Society recognized it needed well-educated and trained professionals, so that it might function more efficiently. In the mid-1800s England took new steps to protect itself and the professions, by passage of laws to assure expert practice. Ignorance in a medical practitioner, for instance, might adversely affect the personal health of a patient. Ignorance in a lawyer might adversely affect the economic well-being of a client. The Solicitor's Act of 1860 provided for specifics in the liberal and legal training of lawyers. These and comparable laws for other professions were signposts of society's demands on the professions. The government needed to safeguard the public and the profession alike.

This method of protection of profession and public moved to the United States. Today professions in this country, law, medicine, accountancy and others are registered and licensed.

Public relations has all the characteristics of a profession except one. It is an art applied to a science (social science) in which the public interest and not pecuniary motivation is the primary consideration. It has its literature of over 10,000 items. It has its educational facilities provided by many colleges and universities in the United States, some with advanced degrees. It has its voluntary associations where practitioners can learn from each other. It has its ethical standards of conduct. It does not as yet have recognition by the state through registration and licensing.

In the last century, Adam Smith in the Wealth of Nations wrote a paragraph which might well apply to public relations. He said, "We trust our health to the physicians, our fortune and sometimes our life and reputation to the lawyer and attorney. Such confidence could not be safely reposed in people of a very mean and low condition. Their reward must be such as to give them that rank in the society which so important a trust deserves."

Francis Bacon, another Englishman, also had a relevant comment which today applies to public relations: "I hold every man a debtor to his profession; from the which as men of course do seek to receive countenance and profit, so ought they of duty to endeavor themselves by way of amends to be a help and ornament thereunto."

Ed. note: In the next issue of tips & tactics the argument against licensing for public relations will be presented.

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THE ARGUMENT AGAINST LICENSING OF PUBLIC RELATIONS PRACTITIONERS

(Editor's Note: In the March 7 issue of t&t the argument in favor of state licensure of public relations practitioners was presented by Edward L. Bernays. Now the opposing argument is reviewed. It is based on a PRSA White Paper on Licensing prepared by J. Handly Wright, 1973. A viewpoint expressed by Philip Lesly follows.)

1. It is virtually impossible to define public relations in such a way as to devise a meaningful law. So much of what public relations practitioners do is based on judgment and analysis.

2. Most of the unqualified and unscrupulous against whom licensing would be a protection are already calling themselves public relations practitioners and probably would be eligible for licensing under the grandfather clause.

3 Licensing is not necessary to control damage from malpractice. The judicial system is available to award damages in cases of fraud, incompetency, dishonesty, misrepresentation, malpractice and breach of contract.

4. Opinion continues to be split on whether or not public relations is itself a profession. In any case, professionalism can be attained without licensing. The most frequently mentioned "ingredients of professionalism" are the following:

   - A defined area of competence
   - An organized body of knowledge of some consequence
   - Proven competence of entrants
   - Continuing education
   - Sharing of knowledge with learners
   - Public obligations
   - Enforceable code of ethics

   These ingredients are all already included in the programs and codes of PRSA.

5. "Any active support that exists for licensing of public relations practitioners exists solely within the public relations profession." This is the conclusion of Ken Parker, author of a "White Paper on Licensing." Although the profession seeking licensing may be in the best position to recognize the need, generally the decision should not be made solely because the source of the request is the affected group.

6. "Licensing is not justified merely because a group deals with the public. If such were the case, licensing would have to be extended to busboys, waitresses, bakers, gas station attendants, newspaper reporters, the clergy and others."

7. Too much emphasis is apt to be placed on academic training in considering who should be granted a license. However, only the rudiments of public relations can be learned in academic classrooms. The most valuable quality a practitioner offers his clients is experience and judgment based on experience.

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8. Licensing is seen by some as an infringement of constitutional rights guaranteed in the First Amendment.

9. State legislatures are unpredictable. It is not beyond possibility that amendments could be added that would be highly out of keeping with the realities of professional public relations life as it now exists. With the wave of consumer protectionism being carried to such extremes there is no telling where we might come out.

10. Many leading journalists are utterly opposed to licensing. They see it as a toe-in-the-door to move toward the licensing of journalists which they feel could ultimately lead to restriction of freedom of the press.

11. Accreditation (without licensing) is the answer and all the Society's efforts should go into the promotion of Accreditation.

12. Under the Accreditation program, the total cost is estimated to be $250 to examine each applicant. Bearing in mind that volunteers handle many of the assignments connected with this program, it is obvious that a licensing procedure involving a proper examination would represent a sizable cost to the people being licensed.

13. It would not be surprising, should public relations in fact be licensed by states, to see legal cases brought all the way to the Supreme Court. And these cases could easily be decided against licensing.

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In the September-October 1976 issue of Managing the Human Climate, Philip Lesly presented this viewpoint under the heading "Licensing: Asking for Shackles":

> Do public relations and public affairs practitioners want to give up their ability to serve whatever organizations call on them? To be afraid to handle information that some government bureaucrat finds a threat to his power? To be forced out of their chosen field because the organization they represent is working to prevent further inroads by government? -- Those are some of the likely effects if government is given the power to license public relations...
>
> The best hope for retaining freedom from an all-powerful government is freedom of expression. Public relations is a part of the process of expression in our society. It is no more sound to give government the power to squelch it than it would be to give it power to license journalists and authors.